(1) (13)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

M.C.C. No. 284 /2005 **Single Bench**

APPLICANTS / DEFENDANTS

1. Rukmaniya, D/o.Late Nanhaka Caste-Aheer, Aged about 55 years, R/o.Village-Agastpur, P.S. & Tahsil Surajpur, District Surguja (C.G.)

2. Gopi, S/o.Late Nanhaka, Caste Aheer, Aged about 50 years, R/o.Sonpur, P.S. & Tahsil Surajpur, District Surguja (C.G.)

3. Ganga Ram, S/o.Late Nanhaka Caste-Aheer, Aged about 45 yrs, Occupation Agriculture.

4. Mainejar, S/o.Late Nanhaka, Caste Aheer, Aged about 40 yrs, Occupation-Agriculture.

(Appellants No.3&4 are R/o. Village Telaimuda, P.S. Ramanujnagar, Tah-Surajpur, District Surguja (C.G.)

5. Dharmjeet, S/o.Tejilal, Caste Aheer, Aged about 30 yrs, Occupation-Agriculture.

6. Lalan, S/o.Tejilal, Caste Aheer, Aged about 26 years, Occupation Agriculture.

(Appellant No.5&6 R/o. Village Budar, P.S. Patna, Tahsil Baikunthpur, Distt. Koriya (C.G.)

P.R. No. 3336/05
Presented by Shri Ashwani Shukla
dated 21/12/05

(2)

(4)

VERSUS

NON-APPLICANTS

1. Jaymaniya, So-called D/o. Kalu Aheer, W/o.Mitthuram, Aged about 50 years, R/o.Village Sumerpur, Police Station Ramanujnagar, Tahsil Surajpur, District Surguja (C.G.)

(PLAINTIFF)

2. State of Chhattisgarh, Through Collector, Surguja, District Surguja (C.G.)

(DEFENDANT No.5)

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APPLICATION FOR RESTORATION OF THE CASE

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

28

मामला क्रमांक M.C.C. No. 234/ सन् 2005

विरुद्ध

आदेश का. दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

01.05.2006

Shri Ashok Kumar Shukla, learned counsel for the appellants.

Shri J.K.Shastri, learned counsel for the respondents.

Heard.

The instant application has been preferred by the applicant for restoration of Second Appeal No. 219/2004 which was dismissed by this Court vide order dated 07.12.2005 for want of prosecution.

Learned counsel for the appellant submits that on 07.12.2005, when the case was called for hearing, he could not appear as he was busy before another Bench in a part heard matter. An affidavit of the counsel for the appellant Shri Ashok Kumar Shukla has been filed for restoration.

However, learned counsel for the respondents opposes the application and submits that no sufficient ground for restoring the appeal to its original appeal has been made out.

Considering the grounds mentioned in the application for restoration which is supported by the affidavit of the counsel for the appellants, the instant application is allowed and the Second Appeal No. 219/2004 which was dismissed on 07.12.2005 is ordered to be restored to its original number subject to payment of ~~penalty~~ Costs of Rs. 500/- payable to the Secretary, High Court Legal Aid Committee, Bilaspur.

In view of the above, I.A. Nos. 309/2006 and 962/2006 stand disposed of.

Sd/-
Dhirendra Mishra
Judge

[पीछे देखिये